

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
JANUARY 23, 2004
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of the chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, January 23, 2004, at 10:00 a.m. Also present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Interim Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; and Chris Aceituno, Manager, Government Claims Program. Also in the audience were Pete Williams, Deputy Executive Officer, Victim Compensation Program; Steve Hall, Manager, Financial Business Operations Section; and Janice Hill, Manager, Hearing and Appeals. Sally Gill, Board Liaison, recorded the meeting.

Michael A. Ramos, Public Board Member, appointed to the Board on January 22, 2004, was not in attendance.

EXECUTIVE OFFICER'S REPORT

Ms. Close discussed the "Contract Report dated December 2003." Ms. Close also reported that Governor Schwarzenegger signed Assembly Bill (AB) 283 on January 20, 2004, which appropriated \$2,017,905.90 to the Board for payment of claims approved pursuant to the Government Claims Program. The Board is working closely with the Governor's Office, the Department of Finance and the State Controller's Office to expedite payment of the claims approved in AB 283 specifically for David Quindt, who was an erroneously convicted felon. Ms. Close also reported that the Board has made an informal proposal to the Federal Office of Victims of Crime to obtain funds to develop training curriculum for Board staff, which hopefully can be implemented in other states. Finally, the Board is continuing to improve court-order debt collection throughout the criminal justice system with regular meetings conducted with the Judicial Counsel.

Jennifer Shaffer, Acting Legislative Director and Staff Counsel, reported the "Victim Compensation and Government Claims Board 2004 Legislative Update dated January 23, 2004." Ms. Shaffer noted the status of the following legislation: AB 283, AB 1760, Senate Bill (SB) 631, and SB 753. AB 283, a Board-sponsored bill, was chaptered and signed on January 20, 2004. Next, Ms. Shaffer noted the importance of AB 1760 and its controversial provisions capping California Department of Corrections inmate garnishment rates at 30 percent. The next bill Ms. Shaffer discussed was SB 631, also a Board-sponsored bill, which creates a new mandatory probation revocation restitution fine and will generate a minimum of 2.8 million dollars annually to the Restitution Fund. Finally, Ms. Shaffer addressed SB 753, which is one of the Board's two claims bills for 2004. It will be amended to include specific appropriations that were approved by the Board last year.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1 **CLAIMANT: Richard S. Duran** **G531766**

The Board voted to continue the claim to the next Board Meeting and allow Mr. Duran 15 minutes for presentation.

Item 2 **CLAIMANT: R.B. Spencer, Inc.** **G535579**

The Board voted to continue the claim to the next Board Meeting.

Item 3 **CLAIMANT: California State University, Bakersfield Foundation** **G536057**

The Board voted to adopt the staff recommendation to allow the claim for the amount of \$93,416.15 pursuant to Government Code section 965.

Item 4 Catherine Close, Interim Executive Officer, presented the “**Request for Delegation of Authority Under Government Code section 935.6 by the Department of Motor Vehicles.**” After discussion, the Board voted to adopt the staff recommendation to adopt the Request for Delegation of Authority pursuant to Government Code section 935.6.

Item 5 Catherine Close, Interim Executive Officer, presented the “**Overview to Discharge State Agencies from Accountability for Uncollectible Accounts.**” During the December Board Meeting, the Board requested an informational briefing on the technicalities involved in processing state agency applications for discharging uncollectible accounts. Patricia Quinn, appeared on behalf of the State Controller’s Office and discussed the responsibilities, procedures, and role of the State Controller’s Office in reviewing state agency applications for Discharges from Accountability for Uncollectible Accounts.

Item 6 Catherine Close, Interim Executive Officer presented the “**Requests for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940 et seq.**” After discussion, the Board voted to adopt the staff recommendation to approve the Request for Discharge from Accountability for Uncollectible Accounts in the amount of \$81,127.30 pursuant to Government Code section 13940 et seq.

Item 7 Chris Aceituno, Government Claims Program Manager, presented the “**Resolution of Administrative Issues Arising in the California State Employee’s Charitable Campaign.**” After discussion, the Board voted to adopt the three staff recommendations, which are: 1) Adopt a policy to limit PCFDs to a fundraising and administrative fee maximum of 18 percent. PCFDs requesting more than 18 percent must submit a justification explaining their need for a higher percentage. 2) Establish the official commencement date of January 1 to submit PCFD, affiliate, and non-affiliate applications, and 3) The Executive Officer has the delegated authority to consider and approve applications received after the 60-day filing period and to determine if the organizations have good cause for filing late applications. Late applications requesting fundraising and administrative fees greater than 18 percent will be presented to the Board for consideration.

OTHER BUSINESS

Item 8⁷ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated January 14, 2004, with the following changes:

Item 134 **Claimant: Run Peter Chhoun** **G539985**

Staff requested this claim be continued for further investigation.

A.	Total claims awarded on consent	90	
	To be paid under GC § 965	33 for	\$180,438.64
	To be paid under claims bill	57 for	\$132,741.89
B.	Claims rejected on consent	217	

The Government Claims Program agenda was completed at 10:25 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:25 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to deny the following requests for reconsideration for agenda item numbers 36 through 57, and allow requests for reconsideration for agenda item numbers 58 through 62.

<u>36. CLAIMANT</u>	<u>740545V</u>
<u>37. CLAIMANT</u>	<u>694456V</u>
<u>38. CLAIMANT</u>	<u>786254V</u>
<u>39. CLAIMANT</u>	<u>747586V</u>
<u>40. CLAIMANT</u>	<u>627214V</u>
<u>41. CLAIMANT</u>	<u>699565V</u>
<u>42. CLAIMANT</u>	<u>779972V</u>
<u>43. CLAIMANT</u>	<u>767563V</u>
<u>44. CLAIMANT</u>	<u>754886V</u>
<u>45. CLAIMANT</u>	<u>614037V</u>
<u>46. CLAIMANT</u>	<u>646031V</u>
<u>47. CLAIMANT</u>	<u>722101V</u>
<u>48. CLAIMANT</u>	<u>758620V</u>
<u>49. CLAIMANT</u>	<u>682722V</u>
<u>50. CLAIMANT</u>	<u>723742V</u>
<u>51. CLAIMANT</u>	<u>786057V</u>
<u>52. CLAIMANT</u>	<u>783921V</u>
<u>53. CLAIMANT</u>	<u>742152V</u>
<u>54. CLAIMANT</u>	<u>761623V</u>
<u>55. CLAIMANT</u>	<u>523610V</u>
<u>56. CLAIMANT</u>	<u>712137V</u>
<u>57. CLAIMANT</u>	<u>629625V</u>
<u>58. CLAIMANT</u>	<u>780419V</u>
<u>59. CLAIMANT</u>	<u>753202V</u>

60. CLAIMANT	620829V
61. CLAIMANT	763351V
62^A. CLAIMANT	724935V
62^B. CLAIMANT	724940V

Mr. Aguiar clarified that the public may now address the Board Members on the decisions for the Requests for Reconsideration.

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 63 through 111.

Mr. Aguiar requested that previous Board Meeting minutes be placed at the beginning of the meeting.

The Board voted to adopt the August 22, 2003, corrected minutes, the October 24, 2003, and the December 19, 2003, Board Meeting minutes.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Chief Counsel at 11:10 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:45 a.m.

PROPOSED DECISIONS

Item 1 **CLAIMANT** **428641V**

The Board voted to adopt the proposed decision.

Item 2 **CLAIMANT** **541114V**

The Board voted to adopt the proposed decision.

Item 3 **CLAIMANT** **552360V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANT** **560412V**

The Board voted to adopt the proposed decision.

Item 5 **CLAIMANT** **560707V**

The Board voted to continue the matter.

Item 6 **CLAIMANT** **664425V**

The Board voted to adopt the proposed decision.

Item 7 **CLAIMANT** **667671V**

The Board voted to adopt the proposed decision.

Item 8 **CLAIMANTS** **670894V, 670899V, 670897V, & 670906V**

The Board voted to adopt the proposed decision.

Item 9 CLAIMANTS 679834V, & 692401V

The Board voted to adopt the proposed decision.

Item 10 CLAIMANT 700263V

The Board voted to adopt the proposed decision.

Item 11 CLAIMANT 701356V

The Board voted to adopt the proposed decision.

Item 12 CLAIMANT 709109V

The Board voted to adopt the proposed decision.

Item 13 CLAIMANT 712497V

The Board voted to adopt the proposed decision.

Item 14 CLAIMANT 714672V

The Board voted to adopt the proposed decision.

Item 15 CLAIMANTS 737837V, & 737796V

The Board voted to continue the matter.

Item 16 CLAIMANT 745623V

The Board voted to adopt the proposed decision.

Item 17 CLAIMANT 748556V

The Board voted to adopt the proposed decision.

Item 18 CLAIMANT 750955V

The Board voted to adopt the proposed decision.

Item 19 CLAIMANT 751102V

The Board voted to adopt the proposed decision.

Item 20 CLAIMANT 751666V

The Board voted to adopt the proposed decision.

Item 21 CLAIMANT 753409V

The Board voted to adopt the proposed decision.

Item 22 CLAIMANT 754757V

The Board voted to adopt the proposed decision.

Item 23 CLAIMANTS 755059V, 7555058V, & 755057V

The Board voted to adopt the proposed decision.

Item 24 CLAIMANT 755502V

The Board voted to adopt the proposed decision.

Item 25 CLAIMANT 756878V

The Board voted to adopt the proposed decision.

Item 26 CLAIMANTS 761143V, & 761661V

The Board voted to adopt the proposed decision.

Item 27 CLAIMANT 762447V

The Board voted to adopt the proposed decision.

Item 28 CLAIMANT 762465V

The Board voted to adopt the proposed decision.

Item 29 CLAIMANT 765175V

The Board voted to adopt the proposed decision.

Item 30 CLAIMANT 765384V

The Board voted to adopt the proposed decision.

Item 31 CLAIMANT 769333V

The Board voted to adopt the proposed decision.

Item 32 CLAIMANT 769889V

The Board voted to adopt the proposed decision.

Item 33 CLAIMANT 771166V

The Board voted to adopt the proposed decision.

Item 34 CLAIMANT 777260V

The Board voted to adopt the proposed decision.

Item 35 CLAIMANT 779210V

The Board voted to adopt the proposed decision.

The meeting was adjourned at 12:00 p.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Sally Gill
Board Liaison

(Affix seal here)